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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,957	02/09/2004	Naga Bhushan	030352	1612
23596 7590 08/26/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER				
NGUYEN, HANH N				
ART UNIT		PAPER NUMBER		
2616				
NOTIFICATION DATE		DELIVERY MODE		
08/26/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/775,957

Applicant(s)

BHUSHAN ET AL.

Examiner

Hanh Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 4/28/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-33 is/are allowed.
- 6) ☒ Claim(s) 34, 35, 40, 41 and 46-50 is/are rejected.
- 7) ☒ Claim(s) 36-39 and 42-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 35, 40, 41, 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walton et al. (US Pat. 7,047,016 B2) in view of Jaenecke et al. (US Pat. 7,028,093 B2).

In claims 34 and 40, Walton et al. discloses a method for processing data, comprising: receiving indications of signal quality associated with a plurality of user stations; selecting, from the plurality of user stations, a set of K user stations to receive data from a base station, based at least in part on the indications of signal quality received (see fig.3, col.10, lines 45-50; steps 315, 316, 318; the SNRs of the transmitted signals from terminals are estimated to select the terminals with the best SNRs for data transmissions with base station; see col.6, lines 7-25). Walton does not disclose transmitting multiple packets that are superimposed together from the base station to the K user stations. Jaenecke et al. discloses, see col.3, lines 35-45 and col.4, lines 52-60; user data packet is superimposed on reference data packet and transmitted to terminal (transmitting multiple packets that are superimposed together). Therefore, it would have been obvious to one skilled in the art to apply the transmission of superimposed packets into Walton in order to transmit superimposed packets from

base station to users. The motivation is to serve multiple users having multiple signal quality at the same time.

In claims 46 and 49, the combination of Walton and Jaenecke et al. discloses receiving multiple packets that are superimposed together at a first user station, the multiple packets including a first packet and a second packet (see claims 34 and 40). Jaenecker et al. discloses retrieving signaling data for the first user station from the first packet; and extracting application data for the first user station from the second packet using the signaling data retrieved from the first packet (the specification on paragraph [0065] defines application data and signaling data as SINR. Therefore, see jaenecker et al. in col.4, line 60 to col.5, line 20; process the reference packet by measuring SINR of the reference packet with a predetermined SINR range to request the terminal to adjust its transmit power for the next reference packet). Therefore, it would have been obvious to one skilled in the art to apply the teaching of jaenecker into Walton in order to reduce transmission error rate and help the base station receiving better signal Quality from users.

In claims 47 and 48, Walton et al. discloses information processing parameters such as coding and modulation parameters (see fig.5, col.18, lines 30-45; each terminal determines coding and modulation scheme).

In claim 50, Walton et al. discloses a decoder processing application data (see fig.8A, col.22, lines 40-50; decoder 820A decodes data streams)

IN claim 35 and 41, from the missing of Walton, Jaenecke et al. discloses the user data packet comprises polling signals for service on demand applications, selection signal for Internet sites (see col.3, lines 42-45; application information in a packet of the superimposed packets). Therefore, it would have been obvious to one skilled in the art to use application information as shown in Jaenecke into Walton in order to construct a user packet for a respective user.

Allowable Subject Matter

Claims 36-39, 42-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-33 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-50 have been considered. Claims 1-33 are allowed. Claims 36-39, 42-45 are objected to as being dependent upon a rejected base claim. Claims 34, 35, 40, 41, 46-50 are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ue et al. (US pat. 6,973,289 B2);

Kumaran et al. (US Pat. 7,158,804 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Primary Examiner, Art Unit 2616